

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
EDWARD WOODS and TYRONE HILTON,

Plaintiffs,

-v-

FITZCON CONSTRUCTION/REN CORP., FITZCON
EXCAVATION, ESO HIRF CO INC., RONAN
COTTER, CORNELIUS O’SULLIVAN and MARTIN
TEVLIN,

Defendants.

CIVIL ACTION NO.: 20 Civ. 8088 (ALC) (SLC)

SCHEDULING ORDER

SARAH L. CAVE, United States Magistrate Judge.

Plaintiffs’ requested extension (ECF No. 66) is GRANTED, and the Court orders as follows:

1. Plaintiffs shall submit proposed findings of fact and conclusions of law concerning damages as to Defendants Esco Hurf Co. Inc. and Martin Tevlin (the “Defaulting Defendants”) no later than **April 22, 2022**. Plaintiffs must support all factual assertions by affidavit and/or other evidentiary material. Plaintiffs’ requested attorneys’ fees and costs must be recorded in the form below, adding fields as necessary, and supported by evidentiary material.
2. The Defaulting Defendants shall submit their response to Plaintiffs’ submissions, if any, no later than **May 6, 2022**. IF THE DEFAULTING DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFFS’ SUBMISSIONS, OR (2) FAILS TO CONTACT MY CHAMBERS BY THE DEFAULTING DEFENDANTS’ DEADLINE ABOVE AND REQUEST AN IN-COURT HEARING, I

INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING THE MOTION, INCLUDING PLAINTIFFS' REQUESTED DAMAGES, BASED ON PLAINTIFFS' WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment." (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Plaintiff is directed to serve this Order on the Defaulting Defendants and file proof of service by no later than **April 22, 2022**.

The Clerk of Court is respectfully directed to close ECF No. 66.

Dated: New York, New York
April 19, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge

<u>Requested Attorneys' Fees</u>			
Timekeeper	Requested Rate	Requested Hours	Requested Total
		TOTAL:	

<u>Requested Costs</u>		
Type of Expense	Evidence (with ECF cite)	Amount Requested
	TOTAL:	